

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the ____ day of ____, 2006:

Present

Vote

Walter C. Zaremba, Chairman
Kenneth L. Bowman, Vice Chairman
Sheila S. Noll
James S. Burgett
Thomas G. Shepperd, Jr.

On motion of _____, which carried ____, the following ordinance was adopted:

AN ORDINANCE TO APPROVE APPLICATION NO. ZT-105-06 TO AMEND SECTION 24.1-104, DEFINITIONS, SECTION 24.1-306, TABLE OF LAND USES, ARTICLE 4, DIVISION 10 – PERFORMANCE STANDARDS FOR BUSINESS AND PROFESSIONAL USES, AND SECTION 24.1-606, MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS OF CHAPTER 24.1, ZONING (YORK COUNTY CODE) TO: DEFINE PAYDAY LOAN ESTABLISHMENTS; ESTABLISH A SPECIAL USE PERMIT REQUIREMENT FOR TATTOO PARLORS, PAWN SHOPS AND PAYDAY LOAN ESTABLISHMENTS; AND, TO ESTABLISH PERFORMANCE STANDARDS RELATED TO THE LOCATION OF SUCH ESTABLISHMENTS

WHEREAS, the York County Board of Supervisors has sponsored this application to give consideration to amendments to Chapter 24.1, Zoning, of the York County Code to include revised definitions and regulations pertaining to tattoo parlors, pawn shops and payday loan establishments; and

WHEREAS, the Board has determined that consideration of such amendments would be consistent with good zoning practice and with the results of a community-wide public opinion survey; and

WHEREAS, said application has been referred to the Planning Commission for review, public hearing and recommendation in accordance with applicable procedures; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing and has recommended approval of the proposed amendments; and

WHEREAS, the Board has carefully considered the recommendations of the Commission and staff and has determined that approval of the proposed amendments would be consistent with policies promoting protection and enhancement of the character and appearance of the County's commercial corridors and areas;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors, this the ____ day of ____, 2006, that it does hereby approve Application No. ZT-105-06 to amend Sections 24.1-104 and 306, to add a new Section 24.1-470.1, and to amend Section 24.1-606(k) of the Zoning Ordinance to read as set forth below;

Sec. 24.1-104. Definitions.

Payday loan establishment. A place of business engaged in offering small, short-maturity loans on the security of (i) a check, (ii) any form of assignment of an interest in the account of an individual or individuals at a depository institution, or (iii) any form of assignment of income payable to an individual or individuals, other than loans based on income tax refunds. For the purposes of this chapter, such establishments shall not be construed to be "banks" or "financial institutions."

Sec. 24.1-306. Table of land uses.

USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS							
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG	
	CATEGORY 11 – BUSINESS / PROFESSIONAL SERVICE													
1. Broadcasting Studio								P	P		P	P	P	
2. Barber/Beauty Shop							P	P	P		P		P	
3. Apparel Services (Dry Cleaning/Laundry retail) Laundromat, Tailor, Shoe Repair, Etc.)							P	P	P		P	P	P	
4. Funeral Home (may include cremation services								S	P		P			
4a. Cremation Services (human or pets)									S			S	S	
5. a) Photographic Studio							S	P	P		P	P	P	
b) Film Processing Lab								S	P		P	P	P	
6. Household Items Repair									P		P	P	P	
7. Personal Services (Fortune Teller, Tattoo, Pawn Shop, Etc.)									S					
7.1 Tattoo Parlor												S		
7.2 Pawn Shop									S					
8. a) Banks, Financial Institutions							P	P	P		P			
b) Freestanding Automatic Teller Machines							P	P	P	S	P			
8.1 Payday Loan Establishments									S					
9. Offices						S	P	P	P		P	P	P	
10. Hotel & Motel								S	P	S	P			
11. Timeshare Resort						S			S	S	S			
12. Restaurant/Sit Down								P	P		P			
13. Restaurant/Brew-Pub									P		P			

14. Restaurant/Fast Food								S	P		S		
15. Restaurant/Drive In								S	P		S		
16. Restaurant - Carryout/Delivery only							S	P	P		S		
17. Catering Kitchen/Services							S	P	P		S		
18. Nightclub								S	S		S		
19. Commercial Reception Hall or Conference Center							S	S	P	S	P		
20. Small-Engine Repair (lawn and garden equipment, outboard motors, etc.)									P	P		P	P
21. Tool, Household Equipment, Lawn & Garden Equipment, Rental Establishment									P		P	P	P
22. Establishments Providing Printing, Photocopying, Blueprinting, Mailing, Facsimile Reception & Transmission or similar business services to the general public, and business and professional users								P	P		P	P	P
23. Professional Pharmacy							P	P	P		P		

add a new Section 24.1-470.1, as follows:

Sec. 24.1-470.1. Standards for tattoo parlors, pawn shops and payday loan establishments.

- (a) Tattoo parlors, pawn shops or payday loan establishments shall not be located on property that is within ½ mile (2,640 feet) of property occupied by: a place of worship; a public, parochial or private school (K thru 12); a public library; or, a public park or athletic field or facility.
- (b) No tattoo parlor shall be located such that its principal façade or any wall or freestanding signage associated with the establishment is visible from any Primary System road in the County.

Sec. 24.1-606. Minimum off-street parking and loading requirements.

(k) Category 11 – *Business / Professional Service*

USE	OFF-STREET PARKING SPACES	OFF-STREET LOADING SPACES
(1) Funeral home or mortuary	One (1) space per four (4) seats or seating spaces in the main chapel or parlor;	None
(2) Financial institution with drive-in windows	One (1) space per 350 square feet of floor area; plus Eight (8) stacking spaces for the first drive-in window; plus Two (2) stacking spaces for each additional window.	None
(3) Financial institutions without drive-in	One (1) space per 350 square feet of	None

windows.	floor area.	
(4) Freestanding ATM	Four (4) spaces per machine	None
(4.1) Payday loan establishment	One (1) space per 350 square feet of floor area	None
(4.2) Tattoo parlor	One (1) space per 200 square feet of gross floor area, or two (2) spaces per client chair, whichever is greater	None
(5) Medical or dental clinic/office	Two (2) spaces per examination or treatment room; plus One (1) space per 350 square feet of administrative office space.	None
(6) Offices – business or professional	One (1) space per 350 square feet of floor area but in no case less than three (3) spaces.	One (1) space per building or per building grouping capable of being served by a single space.
(7) Personal Service Establishments (Barber/beauty shops, apparel services, tattoo shops , etc.)	One (1) space per 200 square feet of gross floor area, or two (2) spaces per client chair, whichever is greater	None
(8) Motel, hotel, motor lodge	One (1) space per sleeping room or suite for first 100 units; plus <ul style="list-style-type: none"> • 0.9 spaces per sleeping room or suite for units 101 through 200 • 0.8 spaces per sleeping room or suite for units 201 through 300 • 0.7 spaces per sleeping room or suite for units in excess of 300; plus One space for each 250 square feet of floor area used for meeting rooms and for the preparation, serving or consumption of food or beverage, but not including storage and refrigeration areas.	One (1) space; plus One (1) additional space for on-site restaurant
(9) Timeshare resort	1.3 spaces per unit.	None
(10) Restaurant: Sit Down and Brew Pub	One (1) space per 100 square feet of total gross floor area; NOTE: <i>Outdoor dining area shall be included in the calculations.</i>	One (1) space
(11) Restaurant: Fast Food or Drive-In	One and one-half (1 1/2) spaces per 100 square feet of gross floor area inclusive of outside dining area; plus Eleven (11) stacking spaces for the first drive-in window; plus Three (3) stacking spaces for each additional drive-in window.	One (1) space
(12) Restaurant: Drive-Through Only	Five (5) spaces; plus Eighteen (18) stacking spaces for the first drive-in window; plus Three (3) stacking spaces for each additional drive-in window.	One (1) space
(13) Nightclubs, bars, taverns, dance halls	One (1) space for every 60 square feet of floor area, excluding kitchen areas	One (1) space
(14) Commercial reception hall or conference center	One (1) space for every four (4) seats or sixty (60) square feet of assembly area	One (1) space
(15) All other Category 11 uses	One (1) space per 350 square feet of	One (1) space, unless

	gross floor area	waived by the zoning administrator in consideration of the specific nature of the use.
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